REMARKS

Claims 2-8 are pending in the application. Claim 7 was previously added. Claim 1 was previously cancelled. Claim 8 is newly added.

The specification is objected to because the specification, in the "Summary of the Invention" section, mentions a magnet injected into a fuel-resisting plastic of the lever and a freely programmable sensor, and the "Detailed Description" section does not. The "Detailed Description" section of the specification is amended to overcome the rejection. Both of the features added to the "Detailed Description" are disclosed in the "Summary" section of the specification. Thus, no new matter has been added as a result of the amendments.

Claims 3, 4 and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent Application No. 2001-124616 to Yazaki Corp., hereinafter "Yazaki", in view of U.S. Patent No. 6,762,679 to Diaz, hereinafter "Diaz". Claim 3 is independent. Applicants respectfully traverse this rejection.

Claim 3 provides a level transmitter for liquid containers, particular fuel store tanks. The transmitter includes a housing in which is arranged a contactless sensor connected to an evaluating unit and operatively connected to a magnet that moves relative to the sensor upon movement of a float arranged at a first end of a lever. Movement of the magnet relative to the sensor results in a change of the magnetic field acting upon the sensor, which is transformed into an electric signal so that an output signal corresponding to the level of the liquid in the container is obtainable by the evaluating means. The magnet is at least a segment of an annular magnet that is arranged at a second end of the lever and integrated therein, and the lever arm is rotatably connected to the housing and supported thereat. The sensor is located on a radial axis of the at least one segment of the annular magnet.

Tamura discloses a liquid level sensor equipped with a float arm 3 having a float on one end, with the other end supported in an upward/downward rotatable manner on a rotary support part 15 (abstract). Float arm 3 rotates upward/downward with vertical motion of the float following the rise/fall of a liquid level. Support part 15 is formed as an arm holder 19 supported in an upward/downward rotatable manner on a sensor frame 17 (abstract). A magnet 43 is imbedded in a body of arm holder 19, and the sensor 45 is attached in sensor frame 17 (par. 0030). As is shown in Figure 3 of Tamura, sensor 45 is positioned along an axis perpendicular to the radial plane of magnet 43

The sensor disclosed in Tamura is positioned **axially** in relation to the magnet, i.e., along an axis perpendicular to the radial plane of magnet 43. In contrast, claim 3 provides a sensor that is **radially** positioned with respect to the magnet, i.e., located on a radial axis of the segment of the annular magnet. As shown in Figures 1 and 3 of the present application, upon assembly of the level transmitter, annular magnet 5 is injected into enlargement 4, enlargement 4 is assembled onto housing 7, and sensor 10 is pushed through opening 9 on housing 7. The result is that sensor 10 is radially positioned with respect to annular magnet 5, and is further located between a rotational axis of enlargement 4 and annular magnet 5.

The radial position of the sensor of claim 3 provides numerous advantages over the liquid level sensor of Tamura, in which a sensor is axially positioned. Because the sensor is positioned radially, the width of the level transmitter along the rotational axis of the lever is reduced, allowing the transmitter to be of a smaller size, thus increasing the measurable volume of liquid. The transmitter of claim 3 is also more accurate than the sensor of Tamura, because the magnetic flux lines are more concentrated inside the annular magnet than outside or in a direction perpendicular to the radius of the magnet.

Tamura does not disclose a level transmitter for liquid containers, "wherein said sensor is located on a radial axis of the at least one segment of the annular magnet," as recited in claim 3. Therefore, Tamura does not disclose or suggest the elements of claim 3. Thus, claim 3 is patentable over Tamura.

Diaz discloses a level meter, and was cited by the Office Action as evidence of connecting a sensor to an evaluating unit. However, Applicants do not believe that Diaz overcomes the deficiencies of Tamura. Therefore, claim 3 is also patentable over Diaz.

Claims 4 and 7 depend from claim 3. For at least reasoning provided in support of the patentability of claim 3, claims 4 and 7 are patentable over Tamura and Diaz.

For the reasons set forth above, it is submitted that the rejection of claims 3, 4 and 7 under 35 USC 102(a) as being anticipated by Tamura in view of Diaz is overcome. Applicant respectfully requests that the rejection of claims 3, 4 and 7 be reconsidered and withdrawn.

Claims 2 and 5 are rejected under 35 USC 103(a) as being unpatentable over Tamura. Claims 2 and 5 depend from claim 3. Applicants respectfully traverse this rejection.

As discussed above, Tamura fails to disclose the elements of claim 3. Therefore, claim 3 is patentable over Tamura. Claims 2 and 5 depend from claim 3. For reasoning similar to that provided in support of the patentability of claim 3, claims 2 and 5 are patentable over Tamura.

For the reasons set forth above, it is submitted that the rejection of claims 2 and 5 under 35 USC 103(a) as being unpatentable over Tamura is overcome. Applicants respectfully request that the rejection of claims 2 and 5 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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